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10 *Attorneys for Plaintiff* DAVID TOURGEMAN

11 **UNITED STATES DISTRICT COURT**

12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 DAVID TOURGEMAN, on behalf of
14 himself and all others similarly situated,

15 Plaintiff,

16 v.

17 COLLINS FINANCIAL SERVICES, INC.,
a corporation, NELSON & KENNARD, a
California partnership, DELL FINANCIAL
18 SERVICES, L.P., a Delaware limited
partnership; CIT FINANCIAL USA, INC.
19 a Delaware corporation; and DOES 1 - 10,
inclusive,

20 Defendants.
21

Case No.: 08-CV-1392 JLS (NLS)

**NOTICE OF VOLUNTARY DISMISSAL
OF DEFENDANT CIT FINANCIAL USA,
INC.**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Plaintiff David Tourgeman ("Plaintiff") requests that, pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendant CIT Financial USA, Inc. ("CIT") be dismissed **with** prejudice from the above-entitled action. Plaintiff and CIT agree to waive costs and fees.

Dated: October 27, 2010

JOHNSON BOTTINI, LLP
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/s/ Brett M. Weaver

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